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Mark B. Hodes 5350 Poplar Avenue Suite 750 Memphis, TN 38119			PAIK, STEVE S	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/061,891

Applicant(s)

HODES, MARK B.

Examiner

Steven S. Paik

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-156 is/are pending in the application.
- 4a) Of the above claim(s) 100-114 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-99 and 115-156 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of claiming the benefit under 35 U.S.C. 119(e) of United States provisional application, 60/260,058 filed January 5, 2001.

### ***Response to Amendment***

2. Receipt is acknowledged of the Response to the Election/Restriction requirement filed December 10, 2003.

### ***Claim Objections***

3. Claim 3 is objected to because of the following informalities: the word, --selected --, if inserted between the words, "is" and "from" in line 1, may more precisely claim the invention. Appropriate correction is required.
4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). It is respectfully requested to renumber claims 140-145 to 141-156 and amend their dependency appropriately in the response to this Office Action. Claim 47 is objected to because of the following informalities: the claim recites "a POS terminal device" more than once. If there are more than one POS terminal devices, it is necessary to differentiate them by referring as a first POS terminal and a second POS terminal, etc. Otherwise the latter one should be referred as -- said POS terminal device -- or -- the POS terminal device -- to precisely claim the invention. Appropriate correction is

Art Unit: 2876

required. Claim 131 is objected to because of the following informalities: the word, "said light-emitting material", lacks the proper antecedent basis. The examiner respectfully suggests replacing it with -- a light emitting material --. Appropriate correction is required. ***Claim***

***Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 4-9, and 11-19, 21, 22, 25, 26, 28-39, 41, 42, 44-73, 75-78, 81-83, 86, 89, 91, 94, 96, 97, 115-133, 135-140, 147-150, 152, 153 and 155 are rejected under 35 U.S.C. 102(b) as being anticipated by Fiala et al. (US 5,918,909).

Re claim 1, Fiala discloses a method to provide point of sale activated delivery of a product or a service (col. 4, line 57-col. 5, line 3) comprising:

(a) providing a data encoded card (card C, Fig. 3), the data including an identification number (PIN) facilitating the delivery of said product or said service (col. 18, lines 57-63);

(b) facilitating activation of said identification number at a point of sale (col. 19, lines 52-56); and

(c) facilitating delivery of said product or said service associated with said identification number (col. 4, line 57-col. 5, line 3).

Re claim 4, Fiala discloses the method as recited in rejected claim 1 stated above, wherein more than one identification number is provided (col. 18, ll. 56-62).

Art Unit: 2876

Re claim 5, Fiala discloses the method as recited in rejected claim 1 stated above, wherein said card (C) is attached to a package (30).

Re claim 6, Fiala discloses the method as recited in rejected claim 1 stated above, is facilitated by a consumer providing said active identification number (PIN) to a provider (col. 4, line 58-col. 5, line 4).

Re claim 7, Fiala discloses the method as recited in rejected claim 1 stated above, wherein said delivery of products or services is facilitated by a consumer providing (col. 20, ll. 6-33) said activation number to a transaction manager (72).

Re claim 8, Fiala discloses the method as recited in rejected claim 1 stated above, wherein said data is encoded with a barcode (col. 5, ll. 14-23).

Re claim 9, Fiala discloses the method as recited in rejected claim 1 stated above, wherein said data is encoded with a magnetic stripe (col. 5, ll. 14-23).

Re claim 11, Fiala discloses the method as recited in rejected claim 1 stated above, wherein said data is encoded with a hard drive (A computing device is inherently required to encode a barcode or a magnetic stripe, and many of the computing devices are equipped with a hard drive).

Re claim 12, Fiala discloses the method as recited in rejected claim 1 stated above, wherein said identification number is printed on said card (P in Fig. 3).

Re claim 13, Fiala discloses the method as recited in rejected claim 1 stated above, wherein said identification number is obscured (col. 18, ll. 54-66).

Re claim 14, Fiala discloses the method as recited in rejected claim 1 stated above, wherein said data includes a control number (col. 18, ll. 54-64).

Art Unit: 2876

Re claims 15, 32 and 115, Fiala discloses a method and a system to facilitate delivery of a product from a provider to a consumer; the method (col. 4, line 57-col. 5, line 3) comprising the steps of:

- (a) associating a serial number (such as a control number) of said product with an identification number (PIN and col. 18, lines 57-63);
- (b) recording said identification number on a card (encoding data on a card C);
- (c) activating said identification number on said card (C) at a point of sale (col. 19, lines 52-56); and
- (c) facilitating delivery of said product from said provider to said consumer (col. 4, line 57-col. 5, line 3).

Re claims 16 and 33, Fiala discloses the method as recited in rejected claims 15 and 32 stated above respectively, wherein said card (C) is attached to a package (30).

Re claims 17 and 34, Fiala discloses the method as recited in rejected claims 16 and 33 stated above respectively, wherein said package (30) includes a content storage device (3.48).

Re claims 18, 35, and 116, Fiala discloses the method and the system as recited in rejected claims 15, 32 and 115 stated above respectively, wherein said identification number (PIN) is activated by (col. 20, ll. 6-33) a transaction manager (72).

Re claims 19, 36, 117, and 118, Fiala discloses the method and the system as recited in rejected claims 15, 32 and 116 stated above respectively, wherein said identification number (PIN) is activated by (col. 20, ll. 6-33) said provider via electronic communication using a telephone line (Fig. 18; col. 4, line 58-col. 5, line 4).

Art Unit: 2876

Re claims 21 and 37, Fiala discloses the method as recited in rejected claims 15 and 32, further comprising the step of recording a control number (col. 18, ll. 54-64) on said card (C).

Re claims 22 and 38, Fiala discloses the method as recited in rejected claims 15 and 32 further comprising the step of recording a means to contact (modems 74 and 76) said provider on said card.

Re claims 25 and 42, Fiala discloses the method as recited in rejected claims 15 and 32 stated above respectively, wherein said identification number is recorded on said card using a barcode (col. 5, ll. 14-23).

Re claims 26 and 39, Fiala discloses the method as recited in rejected claims 15 and 32 stated above respectively, wherein said identification number is recorded on said card using a magnetic stripe (col. 5, ll. 14-23).

Re claims 28 and 41, Fiala discloses the method as recited in rejected claims 15 and 32 stated above respectively, wherein said identification number is recorded using a hard drive (A computing device is inherently required to encode a barcode or a magnetic stripe, and many of the computing devices are equipped with a hard drive).

Re claim 29, Fiala discloses the method as recited in rejected claim 15 stated above, wherein said identification number is printed on said card (P in Fig. 3).

Re claim 30 and 44, Fiala discloses the method as recited in rejected claim 15 and 32 stated above respectively, wherein more than one identification number is provided (col. 18, ll. 56-62).

Re claim 31, Fiala discloses the method as recited in rejected claim 15 stated above, wherein said identification number is obscured (col. 18, ll. 54-66).

Art Unit: 2876

Re claim 45 and 46, Fiala discloses the method as recited in rejected claim 32 stated above, wherein said service is a single/fractional time span (a telephone call can be a single and a fractional time span event).

Re claims 47, 59 and 72, Fiala discloses a method of using a card (C) and package (30) combination to activate delivery of a product or a service from a provider, the card including a data encoded portion (S), said card being secured to a package (Fig. 1); the method comprising the steps of:

- (a) encoding an identification number (PIN) on to the data encoded portion of said card;
- (b) using a POS terminal device (70) to read the encoded identification number while said card is secured to a package (Fig. 18);
- (c) then transmitting the identification number from a POS terminal device to a transaction manager (72);
- (d) activating the identification number by the transaction manager (col. 19, ll. 55-55);
- (e) then providing said active identification number to said provider by said transaction manager (col. 20, ll. 7-27);
- (g) requesting delivery of said product or said service by a consumer from said provider by providing said active identification number to said provider (col. 20, ll. 7-27); and
- (g) delivering said product or said service to said consumer from said provider in response to said provider receiving the active identification number (col. 20, ll. 7-27).

Re claims 48 and 60, Fiala discloses the method as recited in rejected claims 47 and 59 stated above respectively, wherein more than one identification number is provided (col. 18, ll. 56-62).



Art Unit: 2876

Re claims 49 and 61, Fiala discloses the method as recited in rejected claims 47 and 59 stated above respectively, wherein said data encoded portion provides a control number (col. 18, ll. 54-64).

Re claim 50, Fiala discloses the method as recited in rejected claim 47 stated above, wherein said data encoded portion identifies the provider (col. 20, ll. 18-27).

Re claims 51 and 62, Fiala discloses the method as recited in rejected claims 47 and 59 stated above respectively, wherein said data encoded portion identifies the product or services to be delivered (col. 20, ll. 18-27).

Re claims 52 and 63, Fiala discloses the method as recited in rejected claims 47 and 59 stated above respectively, wherein said data encoded portion directs the transmission (via modems 74 and 76) of the identification number to the provider (col. 20, ll. 18-27).

Re claims 53 and 64, Fiala discloses the method as recited in rejected claims 47 and 59 stated above respectively, wherein said data encoded portion directs the transmission (via modems 74 and 76) of the identification number to the transaction manager (col. 20, ll. 18-27).

Re claims 54 and 65, Fiala discloses the method as recited in rejected claims 47 and 59 stated above respectively, wherein said data encoded portion is selected from the group consisting of a magnetic stripe; a computer chip; a hard drive; and a barcode (col. 5, ll. 14-23).

Re claims 55, 56, 68 and 69, Fiala discloses the method as recited in rejected claims 47 and 59 stated above respectively, wherein said consumer provides the identification number to the provider via the Internet via a phone line (Fig. 18 discloses modems 74 and 76 are connected by a telephone line; col. 20, ll. 7-17).

Art Unit: 2876

Re claims 57 and 66, Fiala discloses the method as recited in rejected claims 47 and 59 stated above respectively, wherein said package (30) includes a content storage device (The content storage device can be interpreted as an opening device in the package or the card capable of storing data).

Re claims 58 and 67, Fiala discloses the method as recited in rejected claims 47 and 59 stated above respectively, wherein said package includes a control number (col. 18, ll. 54-64).

Re claim 70, Fiala discloses the method as recited in rejected claim 59 stated above, wherein said identification number is printed on said card (P in Fig. 3).

Re claim 71, Fiala discloses the method as recited in rejected claim 59 stated above, wherein said identification number is obscured (col. 18, ll. 54-66).

Re claims 72, 73, 78, 81-83, 86, 81, 96, 97 and 150, Fiala discloses a method of using a card (C) to facilitate delivery of a product (such as a pre-paid telephone service) to a consumer, the card including at least one data encoded portion (S), the method comprising the steps of:

(a) encoding an identification number (PIN) on to said at least one data encoded encoded portion of said card (C);

(b) using a POS terminal device (70) to read an encoded identification number on said card;

(c) then transmitting said identification number (PIN) from said POS terminal device to a transaction manager (72) or a provider (the provider operates the transaction manager system);

(d) activating the identification number by said transaction manager or said provider (col. 20, ll. 7-27);

Art Unit: 2876

(e) transmitting said active identification number to said POS terminal device (via modems 74 and 76; electronic communications means and a card reader 70 inherently is connected to another POS terminal and a printer for outputting the transaction records);

(g) providing said active identification number from said POS terminal device to a consumer (col. 20, ll. 7-27); and

(g) facilitating the delivery of said product, by said consumer providing said provider with said active identification number (col. 20, ll. 7-27).

Re claim 75, Fiala discloses the method as recited in rejected claim 72 stated above, wherein facilitating the delivery of said product includes writing said product to a content storage device (such as crediting or debiting balance of the metered account (col. 20, ll. 17-27).

Re claim 76, Fiala discloses the method as recited in rejected claim 72 stated above, wherein said identification number is printed on said card (P in Fig. 3).

Re claim 77, Fiala discloses the method as recited in rejected claim 72 stated above, wherein said identification number is obscured (col. 18, ll. 54-66).

Re claims 89 and 94, Fiala discloses the method as recited in rejected claims 86 and 91 stated above respectively, wherein said card (C) is attached to a package (30).

Re claim 119, Fiala discloses a system for joint of sale activated delivery of a product or a service comprising:

(a) a data encoded card (C) having a unique identification number (PIN) facilitating the delivery of said product or said service; and

(b) a provider (an entity that operates the computer 72) in electronic communication (via modems 74 and 76) with a point of sale terminal (70).

Art Unit: 2876

Re claim 120, Fiala discloses the system as recited in rejected claim 119 stated above, further comprising a consumer computer in electronic communication with said provider (col. 20, ll. 6-17).

Re claim 121, Fiala discloses the system as claimed in rejected claim 119 further comprising a consumer phone in electronic communication with said provider (col. 20, ll. 6-17).

Re claims 122, Fiala discloses a delivery device for use in a system for point of sale activated delivery of product or services, said delivery device comprising:

- (a) a package (30);
- (b) a content storage device (second card; col. 2, ll. 54-67) retained by said package; and
- (c) a data-encoded card (C) secured to said package (30), said data-encoded card including a data-containing portion (S) which is readable by a point of sale terminal device (70), said data-containing portion including at least one unique identification number.

Re claim 123, Fiala discloses the device as recited in rejected claim 122 stated above, wherein said package (30) includes first (2.32) and second (2.44) panels attached to one another (col. 7, ll. 38-40).

Re claims 124 and 140, Fiala discloses the device as recited in rejected claim 122 stated above, wherein said first and second panels of said package (30) each include an aperture (3.48) formed in an upper portion thereof and extending therethrough, said apertures of said first and second panels being aligned with one another when said package (30) is in a closed position, said apertures being suitable for receiving a device used to support and display the delivery device (col. 8, ll. 1-24).

Art Unit: 2876

Re claim 125, Fiala discloses the device as recited in rejected claim 122 stated above, wherein said package includes a scored interface between said first and second panels, said interface being scored to facilitate folding one of said first and second panels on top of the other of said first and second panels (col. 11, ll. 13-25).

Re claims 126 and 147-149, Fiala discloses the device as recited in rejected claim 122 stated above, wherein:

said package (30) further includes an insert made of a clear plastic material (transparent window portion 6.46), said insert being secured to one of said first and second panels;

said content storage device (card with a magnetic stripe) being disposed within said insert such that at least a portion of said content storage device is viewable from a position exterior of said delivery device (Fig. 19 and 20).

Re claim 127, Fiala discloses the device as recited in rejected claim 126 stated above, wherein:

said one of said first and second panels of said package (30) includes an aperture (door) formed therein and extending therethrough, said aperture being effective for receiving a portion of said insert therethrough.

Re claim 128, Fiala discloses the device as recited in rejected claim 126 stated above, wherein:

said insert includes a container portion having an open top and a peripheral flange integral with said container portion adjacent said top (col. 8, ll. 1-23);

Art Unit: 2876

said one of said first and second panels includes inside and outside surfaces, said peripheral flange of said insert being secured to said inside surface, said container portion of said insert protruding through said aperture and beyond said outer surface (Fig. 13).

Re claim 129, Fiala discloses the device as recited in rejected claim 124 stated above, wherein:

said other of said first and second panels (6.32 and 6.44) includes a notch formed in a lower portion thereof (Fig. 22);

said package further includes a window (6.46) secured to said other of said first and second panels, said window (transparent window) being made of a clear plastic material

such that at least a portion of said data-encoded card (C) is viewable from a position (6.46) exterior of said delivery device.

Re claims 130, 132, and 133, Fiala discloses the device as recited in rejected claim 129 stated above, wherein:

said window (col. 11, ll. 43-51) includes a pane extending across said notch and a frame integral with said pane, said frame being secured to said other of said first and second panels (Figs. 19 and 20).

Re claim 131, Fiala discloses the device as recited in rejected claim 130 stated above, wherein:

said light-emitting material of said window is Mylar. Mylar is a thin polyester material and the Fiala reference teaches the window is made form synthetic resin materials such as, for example, well-known poly vinyl chloride (PVC) materials, but could be made from transparent plastic or any other suitable well-known equivalent material.

Art Unit: 2876

Re claim 135, Fiala discloses the device as recited in rejected claim 130 stated above,

wherein:

said package includes a single panel (Fig. 1).

Re claim 136, Fiala discloses the device as recited in rejected claim 135 stated above,

wherein:

said single panel includes a lower portion, a remaining portion and a laterally extending score forming an interface between said lower portion and said remaining portion whereby said lower portion is bendable away from said data-encoded card to reveal a lower portion of said data-encoded card;

said data-encoded card being secured to said remaining portion of said single panel said lower portion of said single panel extending below said card when said lower portion is not bent (Fig. 15; col. 9, line 53- col. 10, line 65).

Re claim 137, Fiala discloses the device as recited in rejected claim 135 stated above,

wherein:

said single panel includes an aperture (window 3.48) formed in an upper portion thereof and extending therethrough, said aperture being suitable for a device used to support and display said delivery device (col. 8, ll. 18-24).

Re claim 138, Fiala discloses the device as recited in rejected claim 135 stated above,

wherein:

said package (30) further includes an insert (3.47) made of a clear plastic material ,

said insert being secured to said single panel;

Art Unit: 2876

said content storage device (C) is disposed within said insert such that at least a portion of said content storage device is viewable from a position exterior of said delivery device.

Re claim 139, Fiala discloses the device as recited in rejected claim 138 stated above, wherein:

said single panel includes an aperture (3.48) formed therein and extending therethrough, said aperture being effective for receiving a portion of said insert therethrough.

Re claim 152, Fiala discloses the device as recited in rejected claim 147 stated above, further includes a barcode (col. 5, ll. 14-23) imprinted on said one of said front and rear surfaces.

Re claim 153, Fiala discloses the method as recited in rejected claim 122 stated above, wherein said data is encoded with a hard drive (A computing device is inherently required to encode a barcode or a magnetic stripe, and many of the computing devices are equipped with a hard drive).

Re claim 155, Fiala discloses the method as recited in rejected claim 153 stated above respectively, wherein said data encoded portion identifies the product or services to be delivered (col. 20, ll. 18-27).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



Art Unit: 2876

10. Claims 2, 3, 20, 43, 74, 79, 80, 84, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala et al. (US 5,918,909) in view of Goade, Sr. (US 5,921,584).

Re claims 2, 3, 20, 43, 74, 79, 80, 84, 85 and 141-145, Fiala discloses all the claimed features of the invention with the exception of specifically disclosing the types of product/service associated with the data encoded card.

Goade, Sr. discloses a card display package. The card within the package is provided with an encodable magnetic strip. The card are often used to provide authorization for rental (for example, game software, video games, DVD, music CD and timed services) or purchase of goods and services or used as a gift certificate by granting the holder credit for various goods and services (col. 1, ll. 25-28). It is well-known that a game software or video games include licensing documents to protect the provider's copyright.

In view of Goade, Sr. teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate a data encoded card with a rental, purchase, or gift certificate function in addition to the card of Fiala due to the fact that more products/services can be provided on the same medium for the purposes of increasing the flexibility and applicability of the data encoded card. Furthermore, such modification of incorporating a plurality of different products/services to the usage of the card of Fiala would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

11. Claims 10, 23, 24, 27, 40, 98, 99, 151, 153, 154 and 156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala et al. (US 5,918,909) in view of Blank (US 6,089,611).

Art Unit: 2876

Re claims 10, 23, 24, 27, 40, 98, 99, 151, 153, 154 and 156, Fiala discloses all the claimed features of the invention with the exception of specifically disclosing the technique of using a computer chip or hard drive for data encoding process.

Blank discloses a card for control system, a promotional system and a redemption system. Blank reference further teaches that alternatively, the card can be provided with a removable element that includes a chip, magnetic stripe, biometric indicia, or other indicia that corresponds to the indicia of the chip of the card. The card within the chip obviously can store more data than a barcode or a magnetic strip. A portable hard disk drive is another well-known data storage device that allows a user more freedom to carry a large amount of data from one place to another.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate a data encoded card with a computer chip to the card of Fiala due to the fact that more unique and secure data can be stored on the same card for the purposes of increasing the amount of the data stored in the card.

12. Claims 87, 88, 90, 92, 93 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala et al. (US 5,918,909) in view of Wilz, Sr. et al. (US 6,152,369).

Re claims 87, 88, 90, 92, 93 and 95, Fiala discloses all the claimed features of the invention with the exception of accessing an encoded product/service data via a URL.

Wilz, Sr. discloses a system using a barcode to store, access and display HTML-encoded documents relating to an object being worked upon in a work environment by a human operator (consumer). The human operator can access the HTML encoded file by an optical reading

Art Unit: 2876

device. A service provider can provide an easy and error-free file accessing means to the consumer which results in faster service and potentially acquiring more customers.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate an HTML-encoded file with a barcoded URL address to the card of Fiala due to the fact that faster and potentially error-free file accessing can be provided on the same card for the purposes of increasing customer satisfaction and customer base.

13. Claims 134 and 146 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala et al. (US 5,918,909) in view of Cooksey (US 6,328,160)

Re claims 134 and 146, Fiala discloses all the claimed features of the invention with the exception of specifically disclosing the shape of a package containing a data card.

Cooksey discloses a shipping container (box) for a compact disc. The container provides added protection to the corners of the compact disc container and the expandable container allows the user to ship a plurality of compact disc containers having different thickness.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ the shipping container of Cooksey to the card package of Fiala due to the fact that different sizes of data storing devices can be securely shipped to their destinations. Furthermore, such modification of employing the shipping container to the teachings of Fiala would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sorie (US 6,386,457) discloses a pre-paid entertainment card including a plurality of codes and two sides.

Casagrande (US 6,403,191) discloses a package for a compact disc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1551.



Steven S. Paik  
Examiner  
Art Unit 2876

ssp  
January 8, 2004